

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

CHESTER LAWRENCE JOHNSON,

Defendant-Appellant.

UNPUBLISHED

January 4, 2005

No. 250346

Tuscola Circuit Court

LC No. 02-008321-FH

Before: Murphy, P.J., White and Kelly, JJ.

MEMORANDUM.

Following a jury trial, defendant was convicted of failing to stop at the scene of a motor vehicle accident resulting in serious injury, MCL 257.617, and operating a motor vehicle without insurance, MCL 500.3102. He was sentenced as a second habitual offender, MCL 769.10, to concurrent prison terms of 2 1/2 to 7 1/2 years for the failure to stop conviction and one year for the operating without insurance conviction. He appeals as of right. We affirm. This case is being decided without oral argument pursuant to MCR 7.214(E).

Defendant's sole issue on appeal is that the evidence was insufficient to show that he was the driver of the suspect vehicle. Although at trial it was established that defendant owned the vehicle and it was registered to him, the evidence also indicated that other individuals sometimes drove the vehicle.

"The test for determining the sufficiency of evidence in a criminal case is whether the evidence, viewed in a light most favorable to the people, would warrant a reasonable juror in finding guilt beyond a reasonable doubt." *People v Nowack*, 462 Mich 392, 399; 614 NW2d 78 (2000). "The standard of review is deferential: a reviewing court is required to draw all reasonable inferences and make credibility choices in support of the jury verdict." *Id.* at 400. Circumstantial evidence and reasonable inferences arising from that evidence can establish the elements of the crime. *Id.* The prosecution "is not obligated to disprove every reasonable theory consistent with innocence to discharge its responsibility; it need only convince the jury 'in the face of whatever contradictory evidence the defendant may provide.'" *Id.*, quoting *People v Konrad*, 449 Mich 263, 273 n 6; 536 NW2d 517 (1995).

Here, the physical evidence established that defendant's car hit the victim. According to defendant, only he and his wife drove the car. The accident occurred along a route from defendant's place of employment to his home, and defendant admitted that he was driving the car

when it was damaged, although he claimed that he hit a deer rather than a person. Viewed in a light most favorable to the prosecution, the evidence was sufficient to enable the jury to find beyond a reasonable doubt that defendant was driving the vehicle at the time of the accident.

Affirmed.

/s/ William B. Murphy

/s/ Helene N. White

/s/ Kirsten Frank Kelly